

“Date”

Mr. Brady D. Hotard, P.E.  
2655 Emily Drive  
Port Allen, Louisiana 70767

RE: Ethics Board Docket No. 2021-356

Dear Mr. Hotard:

The Louisiana Board of Ethics, at its June 4, 2021 meeting, considered your request for an advisory opinion relative to a zoning request of property involving acreage being farmed by your father-in-law while you serve as a board member of the West Baton Rouge Planning and Zoning Commission.

### FACTS PROVIDED

You provided that you are a member of the West Baton Rouge Planning and Zoning Commission. Your father-in-law, Alan Gustin, owns Westbank Planting Company, LLC, which currently farms sugar cane and soybeans on 4,073 acres owned by Milliken and Farwell, Inc. You stated that Milliken and Farwell and EcoPlexus, a solar panel company, are proposing to construct a solar panel farm on 1,042 acres of the 4,073 acres farmed by Westbank Planting Company. Beuche PV1, LLC, of which EcoPlexus is an officer/member, has filed a request with the West Baton Rouge Planning and Zoning Commission to change the zoning restriction on the 1,042 acres from AG (Agricultural) to AG with a Special Use for a Solar Farm. You stated that Alan Gustin has no ownership in Milliken and Farwell, EcoPlexus, or Beuche PV1, and no future ownership/involvement in the proposed solar panel development.

### LAW

**La. R.S. 42:1113B** provides other than a legislator, no appointed member of any board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest shall bid on or enter into or be in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

**La. R.S. 42:1112B(1)** provides no public servant, except as provided in R.S. 42:1120, shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest

**La. R.S. 42:1102(13)** provides “immediate family” as the term relates to a public servant means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

**La. R.S. 42:1102(23)(a)** provides “transaction involving the governmental entity” means any proceeding, application, submission, request for ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know is, or will be, the subject of action by the governmental entity.

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## CONCLUSION

The Board concluded and instructed me to inform you, that the Code of Governmental Ethics (Ethics Code) prohibits your father-in-law from being in any way interested in the request to re-zone property currently being leased to his company that is pending before the West Baton Rouge Planning and Zoning Commission. Since a re-zoning of the 1,042 acres from AG (Agriculture) to AG Special Use for a Solar Farm would result in fewer acres to be farmed, Alan Gustin as your immediate family member and owner of Westbank Planting Company, would be in any way interested in the zoning of said acreage.

Additionally, the Ethics Code would prohibit you from participating in the re-zoning of the property in question. Since the submission to re-zone by Beuche PVI involves a transaction with the West Baton Rouge Planning Commission and Alan Gustin, a member of your immediate family, has a substantial economic interest in whether he can farm the property subject to re-zoning, your participation in the transaction would violate Section 1112 of the Ethics Code. While you may recuse yourself under Section 1120 so as not to violate Section 1112, your recusal would not prevent a violation under Section 1113.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Gregory L. Thibodeaux  
For the Board